

ALLOWANCE

Allowable Subject Matter

1. Claims 1-3, 8 and 9 are allowed.

The closest prior art is considered to be Niira, Karnari and Myers as set forth in the Office Action dated 11/13/2009. As argued by the applicant in the Pre-Conference Request dated 01/13/2010, the disclosure of Myers in paragraphs 0081 and 0082 stating the amount of metal can be varied over a wide range is specific only the metal in the zeolite, not the metal oxide in the antibiotic material. The amount of silver at most can be 20% in the zeolite, and there is no suggestion that the amount of silver oxide can be as high as 60%. As such, one of ordinary skill in the art would not have been motivated to modify Niira such that the silver based antibiotic substance contains 60-80% of an oxide of silver ions, 10-20% zinc oxide and 10-20% zirconium phosphate.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER SCHATZ whose telephone number is (571)272-6038. The examiner can normally be reached on Monday through Friday 9 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1791

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/CHRISTOPHER SCHATZ/
Examiner, Art Unit 1791

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